

February 16, 2005
Case No.: CE11234J1023 (9640/133)
Serial No.: 10/635,963
Filed: August 7, 2003
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- REMARKS -

A. Claims 1-3, 5-23, and 25-26 were rejected under 35 U.S.C. §102(b) as anticipated by Levi

The §103(a) rejections of claims 1-3, 5-23, and 25-26 are traversed. In order to maintain this rejection, each and every element of the claims must be disclosed by the reference in at least as great detail as claimed.

Levi does not disclose that the pedometer is connected to the wireless communication device "wirelessly," as claimed in amended claim 1.

Levi does not disclose "sending a position information message block from a wireless communication device, the position information message block comprising the determined location" as substantially claimed in claims 10 and 16. The Examiner's citation to column 1 line 59 to column 2 line 4 is entirely misplaced as that selection makes no such teaching. Indeed, Levi makes no such disclosure. At most, Levi discloses that a "built-in radio frequency transponder allows individual positions to be monitored by a central coordinating facility." See, column 1, line 67-column 2 line 2.

Claim 21 requires a "controller." Levi specifically teaches that use of a controller is not possible with a controller at column 3, lines 10-12. "Prior-art pedometers ... cannot be interfaced to a computer." In addition, claim 21 requires "a wireless transceiver operably connected between the controller and a pedometer," which is not disclosed by Levi. At most, Levi discloses that a "built-in radio frequency transponder allows individual positions to be monitored by a central coordinating facility." See, column 1, line 67-column 2 line 2.

Claims 2, 11, and 23 each require a cell phone or a mobile radio, and Levi discloses neither element. See the cited selection above.

Withdrawal of the rejections to claims 1, 10, 16, and 21 is respectfully requested. Claims 2-3, 5-9, 11-15, 17-20, 22-23, and 25-26 depend directly or indirectly from claims 1, 10, 16, or 21 respectively, and are therefore patentable over the prior art for at least the same reasons.

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B. Claims 4 and 24 were objected to as depending from a rejected base claim, but otherwise allowable

The objection to claims 4 and 24 is traversed, as the base claims from which each claim depends is allowable as discussed above. Withdrawal of the objection to claims 4 and 24 is requested.

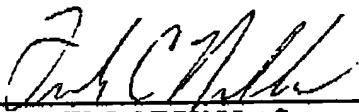
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SUMMARY

Applicants submit that claims 1-26 as set forth fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

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Respectfully submitted,
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